

REMARKS

In response to the Office Action mailed August 16, 2007, Applicants respectfully request reconsideration. Claims 1-12 were previously pending in this application, and claims 1 and 9 are amended herein. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as presented is believed to be in condition for allowance.

Initially, Applicants thanks Examiner Hageman for the courtesies extended during the October 25, 2007 telephone interview with Applicants' representative Scott J. Gerwin (Reg. No. 57,866). The substance of the interview is summarized herein.

The Office Action rejects claims 1-12 under 35 U.S.C §102(e) as purportedly being unpatentable over Morikawa (6,946,612). Applicants respectfully traverse this rejection.

In Applicants' previous response, Applicants pointed out that Morikawa does not disclose sorting the items in each of the initial sorting regions into an intermediary sorted set, because, in the system of Morikawa, the trays in any given sorting stacking unit are never sorted into a set that includes trays from a different sorting stacking unit.

During the telephone interview, the Examiner agreed that, in the system of Morikawa, the trays from different sorting stacking units are never intermixed, but questioned whether the limitation of claim 1 that recited, "sorting the items in each of the at least two initial sorting regions into an intermediary sorted set by moving at least some of the items in at least one of the initial sorting regions between the at least one initial sorting region and at least two of the additional sorting regions," could read on Morikawa if the entire tray storage region 300 were considered to be the intermediary sorted set, as this "set" would include items from multiple different sorting stacking units.

The Examiner proposed amending claim 1 to distinguish over Morikawa by adding a limitation requiring that the initial sorting regions and/or the return region is a region that is actively used in sorting the items, or amending the claim to require using at least two intermediary sorted sets. Applicants' representative questioned whether these amendments were necessary to distinguish over Morikawa, explaining that even if the entire tray storage region 300 were considered to be an intermediary sorted set, the items in this set would not be in sorted order, and that this so-called "intermediary sorted set of items" would not be sorted. Applicants'

representative explained that the term intermediary sorted set is intended refer to a subset of the items that are in a sorted order.

To make this even more explicit, Applicants have amended claim 1 to recite, *inter alia*, “sorting the items in each of the at least two initial sorting regions into at least one intermediary sorted set, **in which the items are in a sorted order**, by moving at least some of the items in at least one of the initial sorting regions between the at least one initial sorting region and at least two of the additional sorting regions, such that two items from different initial sorting regions are sorted into the same intermediary sorted set (emphasis added).”

During the telephone interview, the Examiner offered to review any proposed amendment that Applicant is considering prior to filing and provide his thoughts as to whether these proposed amendments would overcome the rejection based on Morikawa. Accordingly, Applicant sent, via facsimile, a draft response to the Examiner on November 13, 2007 with proposed amendments to claims 1 and 9. The Examiner left a voicemail for the undersigned on November 15, 2007 indicating that he had reviewed the amendments proposed, and believed that, if made, the claims would distinguish over Morikawa. The amendments made herein to claims 1 and 9 are identical to the proposed amendments to these claims in the November 13 facsimile to the Examiner.

As should be clear from the discussion above, Morikawa fails to disclose or suggest, “sorting the items in each of the at least two initial sorting regions into at least one intermediary sorted set, in which the items are in a sorted order, by moving at least some of the items in at least one of the initial sorting regions between the at least one initial sorting region and at least two of the additional sorting regions, such that two items from different initial sorting regions are sorted into the same intermediary sorted set,” as recited in claim 1, as in the system of Morikawa, two trays from different sorting stacking units never end up in the same intermediary sorted set. Thus, claim 1 patentably distinguishes over Morikawa. Accordingly, it is respectfully requested that the rejection of claim 1 be withdrawn.

Claims 2-8 depend from claim 1 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

Claim 9, as amended, recites, *inter alia*, “controls operative for controlling the first and second mechanisms to move the postal bins into a predetermined sorted sequence by sorting the

postal bins in each of the at least two initial sorting regions into at least one intermediary sorted set, **in which the postal bins are in a sorted order**, by moving postal bins in at least one of the initial sorting regions between the at least one initial sorting region and at least two of the additional sorting regions, such that two postal bins from different initial sorting regions are sorted into the same intermediary sorted set (emphasis added).”

As should be clear from the discussion above, Morikawa fails to disclose or suggest this limitation of claim 9. Accordingly, it is respectfully requested that the rejection of claim 9 be withdrawn.

Claims 10-12 depend from claim 9 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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